

## **REMARKS/ARGUMENTS**

Applicant responds herein to the Office Action dated September 20, 2007.

Applicant's attorneys appreciate the Examiner's continued thorough search and examination of the present patent application.

Claims 1-31 are pending in this application. Claims 6-20 and 23-31 have been withdrawn from consideration. Claims 1-5, 21, and 22 have been rejected.

In response, previously withdrawn claims 19-20 and 23-26 have been canceled without prejudice.

Claims 1-3, 5, 21, and 22 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,767,356 to Kanner et al. ("Kanner"). Reconsideration and withdrawal of this rejection are respectfully requested.

Claim 4 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Kanner in view of U.S. Patent No. 4,456,006 to Wevers et al. ("Wevers"). Reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner has failed to address claim amendments made in the Amendment/Submission mailed on September 13, 2007. Specifically, independent claims 1 and 21 have been amended to recite "the engagement legs being straight over their entire lengths to the point where they connect to the connecting bridge so that the connecting bridge is adapted to lie substantially flat on the bone tissue when the clip is installed." Kanner and Wevers do not teach, disclose, or suggest thus recited limitations. Therefore, the Examiner is respectfully requested to reconsider the Applicant's remarks submitted on September 13, 2007 together with the accompanying claim amendments, withdraw the rejections, and allow the claims.

Claims 1 and 21 have been amended, in accordance with the suggestion made by the Examiner to place them in a better form. The suggestion was made during a phone conversation initiated by Jeff Kirshner on October 19, 2007 addressing the claim amendments made in the Amendment/Submission mailed on September 13, 2007. During the conversation, the Examiner suggested a change to the claims, which has been adopted by this further amendment.

Claims 2-5 and 22 depend directly or indirectly from the above discussed independent claims and are, therefore, allowable for the same reasons, as well as because of the combination of features in those claims with the features set forth in the respective independent claims.

In view of the above, it is submitted that all claims in this application are now in condition for allowance, prompt notification of which is requested.

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY THROUGH  
THE PATENT AND TRADEMARK OFFICE EFS  
FILING SYSTEM ON OCTOBER 30, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Louis C. Dujmich', is written over a horizontal line.

Louis C. Dujmich

Registration No.: 30,625

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

LCD:JK:ck/jh